

REMARKS

Applicants thank the Examiner for acknowledging consideration of the references in Applicants' second supplemental Information Disclosure Statement (IDS). However, Applicants note that the Examiner has not indicated that the references included in Applicants' first two IDSes have been considered, those being a first IDS filed on February 11, 2002, and a supplemental IDS filed on May 29, 2002. Applicants thus respectfully request that the Examiner similarly acknowledge consideration of those two previously submitted IDSes by initialing each reference on copies of the IDSes and returning the copies to the Applicants' representative.

Overview

The Examiner has responded in the prior Office Action as follows: rejected claims 9-10, 13-17, 20-22, and 24-67 under 35 U.S.C. § 102(e) as being anticipated by Johnson et al. (U.S. Patent No. 6,553,336); rejected claims 11-12, 18-19, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Trusheim et al. (U.S. Patent No. 6,385,589); and rejected claim 52 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicants hereby amend claims 9, 50, 53, 56, 58 and 66 in order to clarify the subject matter of their invention. Applicants further hereby cancel claim 52 and add new claim 81. Thus, claims 9-51, 53-67 and 81 are now pending.

Analysis

Administrative Issues

The Examiner has requested that the prior title be replaced with a more descriptive title, and Applicants accordingly have amended the title as indicated above.

Rejections Not Based On Prior Art

The Examiner has rejected claim 52 under 35 U.S.C. § 101 because it is directed to non-statutory matter. While Applicants disagree with the Examiner's assertion that claim 52 was directed to non-statutory subject matter, claim 52 has been canceled, and thus this rejection is now moot.

Rejections Based On Prior Art

The Examiner has rejected each of the previously pending claims 9-10, 13-17, 20-22 and 24-67 under 35 U.S.C. § 102(e) as being anticipated by Johnson. As a threshold matter, Applicants note that the pending application is a continuation-in-part of a prior application filed in December of 1998, and thus Johnson (filed in June of 2000 with a priority claim to a provisional application filed in June of 1999) is valid prior art only to the extent that any pending claims do not find sufficient support in the prior application. Nonetheless, even assuming that Johnson is valid prior art, each of the claims as previously rejected and as amended includes features and provides functionality not disclosed by Johnson.

For example, each of the claims as previously rejected is generally related to information about a current state modeled with multiple state attributes, and in particular to providing values of an indicated state attribute to a client in response to a previously expressed interest by that client of receiving values of that state attribute. While Johnson generally discusses remote monitoring of assets, such as vacation homes and yachts, as well as sending out alarm notifications, Johnson appears to lack any teaching or suggestion of clients expressing interest in receiving values of specified state attributes or of a computing system that automatically supplies such state attribute values to the clients when the values are later received based on those previously expressed interests. Thus, for these reasons alone, all of the claims as previously rejected are patentable over the relied-upon prior art.

Moreover, the claims as amended further recite features and functionality not taught or suggested in Johnson. For example, claim 9 as amended recites “receiving from a first client an indication of an interest in receiving all values for an indicated one of the state attributes of the modeled current state” and “in response to each receiving of a value for the indicated one attribute from a first source, automatically supplying the received value to the first client based on the received indication of the interest from the first client” (emphasis added). As discussed in Johnson, however, only alarm notifications are automatically sent out to end-users, and such alarm notifications occur only for a subset of the sensor data (*i.e.*, only for sensor data that exceeds whatever thresholds or other criteria are defined for the alarms). Thus, even assuming that such sensor data is equivalent to values of modeled state attributes, Johnson lacks any teaching or suggestion of automatically sending out all state attribute values to clients based on

their prior expressed interest, and in fact teaches away from such a system by preventing end-users from obtaining all sensor data and instead sending out only indications of the alarm conditions that occur. Similarly, while Johnson mentions providing real-time on-demand status information to end users, Johnson appears to make such information available only in an interactive manner when end-users request that information, again teaching away from the recited claim features of automatically supplying each received value of an indicated state attribute to a client based on a previously indicated interest in those values. Moreover, Trusheim does not appear to remedy these failings of Johnson, as Trusheim similarly appears to lack any teaching or suggestion of the recited claim elements.

Accordingly, claim 9 as amended is patentable over the cited art, and dependent claims 10-49 are patentable for at least the same reasons as claim 9. Independent claims 53, 54, 57, 58, 66, and 67 each recite similar language to claim 9 and are also thus patentable for at least the same reasons, as are claims 55-56 and 59-65 that depend from those claims.

In addition, various of the dependent claims are further patentable for additional reasons based on their recited claim elements, although only selected dependent claims are discussed here for the sake of brevity. For example, with respect to claims 20 and 22 that recite information regarding a modeled state attribute, Johnson appears to lack any teaching of “the one attribute represent[ing] information about a computer” or “one attribute represent[ing] information about a cyber-environment of a user of the computer.” Instead, Johnson discusses using transducer sensors that sense attributes about a physical environment, and the section of Johnson asserted by the Examiner to be relevant to these claims appears unrelated to the recited claim language. In particular, columns 25-27 of Johnson provide a laundry list of environments that can be monitored according to Johnson’s teachings, but none of the listed environments appear to teach or suggest the recited claim language of claims 20 or 22. Accordingly, if the Examiner maintains this rejection, Applicants request that the Examiner identify with specificity what aspects of Johnson that the Examiner believes to be related to Applicants’ recited claim language.

Similarly, with respect to dependent claim 61, the claim recites that “the context attributes represent information about a user of the portable computer.” However, Johnson appears to lack any teaching of the attributes representing information about a user of any computing device, let alone a user of a portable computer. Applicants further note that the

Examiner rejected similar dependent claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Trusheim (rather than being anticipated by Johnson), as discussed in greater detail below. Thus, claim 61 is patentable over Johnson, as well as over Trusheim as discussed below.

The Examiner has also rejected each of the previously pending dependent claims 11-12, 18-19 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Trusheim. As a threshold matter, however, and in a manner similar to that of Johnson, Applicants note that the pending application is a continuation-in-part of a prior application filed in December of 1998, and thus Trusheim (which was filed after that prior application) is valid prior art only to the extent that any pending claims do not find sufficient support in the prior application. Nonetheless, even assuming that Trusheim is valid prior art, each of the pending claims as rejected includes features and provides functionality not disclosed by or obvious in light of Trusheim, and thus each of the pending claims as rejected is allowable.

For example, in a manner similar to Johnson, Trusheim appears to lack any teaching, suggestion, or motivation for receiving from a client an indication of an interest in receiving values for an indicated modeled state attribute, and then later supplying values in accordance with that expressed interest. Instead, while Trusheim discloses that notifications are sent to a Coordination Specialist user and to other users, Trusheim appears to lack any teaching or suggestion that those users actually indicate any desire to receive even those notifications, let alone that those users request values of indicated modeled state attributes.

Furthermore, with respect to dependent claim 11, Trusheim appears to lack any teaching, suggestion, or motivation for receiving descriptive information about a particular value of a modeled state attribute that indicates a time at which the received value is most accurate, as is recited in claim 11. While Trusheim does generally discuss using historical health information from various sources, there is no indication that this received information is more accurate at a certain time than another time. Thus, claim 11 is further patentable over Trusheim (as well as Johnson) for this reason as well. Similarly, with respect to dependent claim 12, Trusheim equally appears to lack any teaching, suggestion, or motivation for receiving descriptive information about a particular value of a modeled state attribute that indicates a likelihood of accuracy of the received value, as recited in claim 12. Thus, if the Examiner maintains his rejection of claims 11 and 12, Applicants request that the Examiner identify with specificity what

aspects of Trusheim that the Examiner believes to be related to Applicants' recited claim language.

Furthermore, with respect to dependent claims 18 and 19, Trusheim appears to lack any teaching, suggestion, or motivation that an attribute represents information about a user of the computer performing the method, as recited in claim 18, or more particularly represents a modeled mental state of such a user, as recited in claim 19. Instead, although Trusheim does disclose monitoring and delivering notifications regarding health conditions of patients, Trusheim makes clear that the users of the disclosed patient monitoring system are various health care professionals (rather than the patients being monitored). As such, any information about such patients does not, as claim 18 recites, represent information about a user of the computer performing the method. Similarly, claim 61, which depends from claim 58 and recites "wherein the context attributes represent information about a user of the portable computer", is allowable for similar reasons.

In addition, independent claims 50 and 66 as amended are patentable over Trusheim and Johnson for at least similar reasons, with claim 50 reciting "provid[ing] information about a current state of a user of a first client computing system" and "receiving from the first client computing system an indication of an interest in receiving values for an indicated one of the state attributes of the modeled current state of the user of the first client computing system", and with the first client computing system later being supplied a received value of that attribute. Claim 66 recites similar language. Thus, claims 50 and 66 are patentable for at least this reason, as is claim 51 that depends from claim 50.

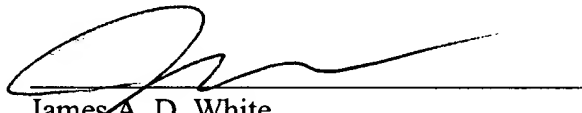
In addition, with respect to new dependent claim 81, it is patentable for at least the same reasons as claims 18 and 9 from which it depends, as well as due to the additional recitation in claim 81. For example, although Trusheim discusses a system for monitoring the health care of individual members of a group and delivering notifications regarding the health condition of a patient, the Trusheim system relies on manual data entry of survey answers and historical health care data (*e.g.* medical events and lab results) rather than measured values (see, for example, Trusheim 11:29-33). Since Trusheim appears to lack any motivation or suggestion of using measured attribute values, new dependent claim 81 is further patentable for at least that reason.

Conclusion

In light of the above remarks, Applicants respectfully submit that all of the pending claims are allowable. Applicants therefore respectfully request the Examiner to reconsider this application and timely allow all pending claims. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 694-4815.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
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Enclosures:

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Petition for Extension of Time

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